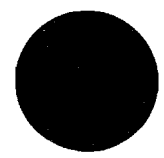




AWS
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Bill
19-86

28 JUN 16 10:00 AM
Montgomery County Government



MEMORANDUM

002195

June 13, 1986

TO: William E. Hanna, Jr., President
Montgomery County Council

FROM: Sean J. Rogers, Chief, Labor/Employee Relations and Training *Sean J. Rogers*

SUBJECT: Amendments to Bill No. 19-86, County Employee Collective
Bargaining, Section 33-107(a)(2) and (3) concerning negotiability of
pension and retirement benefits.

At the last Council work session concerning the above-captioned bill, the Council determined to amend section 33-107(a)(2) to provide for the negotiability of pensions and retirement benefits one year after the effective date of the statute. The Staff Director, Counselor Willcox, Counselor Thompson and I met to draft legislative language representing the will of the Council as stated on May 29, 1986. The parties found that they were unable to agree on the appropriate language for Section 33-107(a)(2). Therefore, I have suggested that we each draft language on the section and present it to the Council for approval. This memorandum represents the position of the Executive and of MCGEO/Local 400 on the appropriate language which we inferred from the Council's last work session.

Mr. Spengler and Mr. Willcox inferred that it was the sense of the Council to limit negotiations to pension benefits covered by legislative enactment, excluding any additional retirement benefits, such as, insurance benefits related to retirement. Neither the Executive nor MCGEO/Local 400 agrees with this inference.

The Executive proposed an amendment to the bill in this section at the May twenty-ninth work session to broaden negotiations in this area. The Council was not opposed to the amendment, but sought a one year delay in negotiations to allow the legislative body the opportunity to revise existing pension and retirement systems. The Executive sought, in his amendment to the section, to permit both pension benefits prescribed by law and other retirement benefits to be immediately and fully negotiable. As a compromise and to accommodate the Council, the Executive and MCGEO/Local 400 proposed a one year delay in the negotiability of pension and retirement

benefits. This position was adopted by the Council with little discussion or debate. In order to clarify the scope of bargaining regarding the retirement issue the Executive proposes and the union concurs with the following language:

Section 33-107(a)(2):

With respect to pension and retirement benefits, pension benefits derived from County law and additional retirement benefits, including but not limited to those not specifically derived from law, shall be negotiable one year after the effective date of the statute.

In addition, to ensure legislative consistency, the provisions of 33-107(a)(3) need to be amended by striking the words:

...,but not including pension and retirement benefits except to the extent stated in subsection (a)(2).

These proposed amendments in no way imply a right to bargain pension and retirement benefits on behalf of current retirees as they are not defined as "employees" under the statute. Therefore, the Executive, joined by MCGEO/Local 400, requests that the Council amend the provisions of Bill No. 19-86 with the language presented above.

cc: David Scull, Councilmember
Rose Crenca, Councilmember
Esther Gelman, Councilmember
Michael Gudis, Councilmember
Neal Potter, Councilmember
Scott Fosler, Councilmember
William Willcox, Esq.
Arthur Spengler, Staff Director
